

JOINT LETTER

October 7, 2011

Via CM/ECF & FedEx

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: BanxCorp v. Bankrate, Inc., Civ. No. 07-3398 (ES-CLW)
BanxCorp v. LendingTree, LLC, Civ. No. 10-2467 (ES-CLW)

Dear Judge Waldor:

Plaintiff BanxCorp ("Plaintiff" or "BanxCorp") and Defendant Bankrate Inc. ("Defendant" or "Bankrate") respectfully submit this Joint Letter concerning the following issues:

- 1) Alleged deficiency claims by Plaintiff numbered I-XV (the "Deficiency Claims") served on August 24, 2011 in connection with Defendant's responses to Plaintiff's Requests for Production of Documents ("RPD") and Requests for Admission ("RFA"), as set forth in the annexed **Appendix I**; and
- 2) Alleged deficiencies in BanxCorp's responses to Bankrate's Special Interrogatories served on August 31, 2011, as set forth in the annexed **Appendix II**.

Respectfully submitted,

s/Mordechai I. Lipkis
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s/
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Enclosures

cc: Hon. Esther Salas, U.S.D.J. (via ECF and FedEx)
All Counsel of Record (via ECF)

From: Thompson, R. Scott <sthompson@lowenstein.com>
Sent: Friday, October 07, 2011 1:56 PM
To: 'kristen@renzullipc.com'
Cc: Hahn, Michael J.; 'dlbrown@sheppardmullin.com'; 'mlipkis@mlipkis.com'
Subject: Re: Joint Letter to Judge Waldor - BanxCorp v. Bankrate

As long as these are the same documents that we sent to you and you sent to us an hour ago they can be filed.

From: Kristen Renzulli [mailto:kristen@renzullipc.com]
Sent: Friday, October 07, 2011 01:45 PM
To: Thompson, R. Scott
Cc: Hahn, Michael J.; Daniel Brown <dlbrown@sheppardmullin.com>; mlipkis@mlipkis.com <mlipkis@mlipkis.com>
Subject: Joint Letter to Judge Waldor - BanxCorp v. Bankrate

Scott,

We are in receipt of your Appendix I responses. Attached are the following ready for e-filing by Plaintiff's counsel:

- "10-7-11 (final) Joint Letter to Judge Waldor - BanxCorp v. Bankrate.DOCX" (same file as sent a few minutes ago; please return with your s/ signature, or authorize us to insert it, so we can convert to PDF and e-file it)
- "10-7-11 App I (Final) - Jt Ltr to Judge Waldor.PDF" (we merely inserted Ex. A at the end and adjusted the following page breaks: 15/16, 18/19, 20/21, 23/24, 26/27/28)
- "10-7-11 Appendix II - Bankrate's Deficiency Claims [Joint Letter to Judge Waldor].PDF" (same file as sent a few minutes ago)

Please confirm your consent for filing of the Joint Letter.

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